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SUBJECT: 2009 TRAFFICKING IN PERSONS REPORT FOR CAMBODIA

REFS: STATE 5577

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SENSITIVE BUT UNCLASSIFIED. DELIBERATIVE MATERIAL.

1. (U) The following is Embassy Phnom Penh's contribution toward the preparation of the 2009 Trafficking in Persons Report for Cambodia, covering the period April 2008 - March 2009. Responses follow the questions outlined in Ref B. The entire report is classified Sensitive But Unclassified (SBU).

THE COUNTRY'S TIP SITUATION

1A. (SBU) What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

There are no firm estimates or reliable numbers available as to the extent or magnitude of the overall trafficking problem. Two surveys have attempted to measure the commercial sex industry in the country: a 1997 report by the Commission on Human Rights and a 2003 study by a former Fulbright researcher, Thomas Steinfatt. The 1997 Commission on Human Rights for the National Assembly report included a country-wide survey of brothels, and estimated that there were 14,725 brothel workers in Cambodia (ignoring other venues) and that 81 percent of workers were Cambodian and 18 percent Vietnamese. The study did not attempt to differentiate between voluntary sex workers and trafficking victims.

Steinfatt's 2003 statistical study on the number of prostitutes and sex trafficking victims in Cambodia estimated 18,256 sex workers (all venues) in Cambodia, of which 65.6 percent were Cambodian and 32.8 percent Vietnamese. The Steinfatt study estimated that there were 2,000 sex trafficking victims in Cambodia, with 80.4 percent of the sex trafficking victims being ethnic Vietnamese. Steinfatt's trafficking estimates have been disputed by some who believe the actual victim numbers to be higher, although no separate data exist that accurately quantify sex trafficking victims.

Limited trafficking statistics are available from RGC border authorities involved in the repatriation of Cambodians from neighboring countries. Cambodian authorities, in cooperation with international organizations such as UNICEF and IOM, try to distinguish between illegal migrants and trafficking victims, particularly children, and have some statistical information.

Within Cambodia, NGOs that provide services to victims referred by police, judicial, and social service officials often are another source of limited statistical information based on their respective operations.

There are many organizations, international agencies, and government institutions and ministries working on human trafficking issues. They have been useful contacts in providing statistics, information and updates on human trafficking. A Cambodian government anti-human trafficking National Task Force (NTF); the NTF's oversight mechanism, the High Level Working Group (HLWG), chaired by DPM Sar Kheng; Ministry of Interior's Department of Anti-Human Trafficking and Juvenile Protection, Ministry of Justice (MOJ); Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSAVY); Ministry of Women's Affairs (MOWA); other relevant ministries and governmental agencies; and, local and international NGOs are good sources of information of human trafficking and sexual exploitation.

1B. (SBU) Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g., in a civil war situation)? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g., changes in destinations)?

Cambodia is a source, destination, and transit country for trafficking in persons, including men, women and children. Some observers reported that a majority of Cambodian trafficking victims are trafficked for labor purposes, due to Cambodia's relative

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poverty and poor economic conditions compared with its immediate neighbors; Cambodian women and girls are also trafficked for sexual exploitation. Cambodians are trafficked primarily within the region, particularly to Thailand and Malaysia. Trafficking also occurs within Cambodia's borders, from rural areas to Phnom Penh and other secondary cities within the country, and from Vietnam to Phnom Penh and other cities as well.

In Cambodia, commercial sex work goes on in guesthouses, karaoke clubs, massage shops, beer gardens, restaurants and nightclubs that provide direct and indirect sex workers. Barbershops, noodle shops, and other commercial establishments may also function as venues for commercial sex operations either on the premises or "on delivery" for clients. Both TIP victims and voluntary sex workers are intermingled at such venues. Many ethnic Vietnamese sex workers in voluntary sex work were originally trafficked to Cambodia through debt bondage; some sex workers are still in debt bondage. Debt bondage is also a factor in the recruitment of Cambodian trafficking victims, who are initially convinced that they are accepting legitimate restaurant, factory, or other work opportunities in Phnom Penh or other cities and then forced into sex work.

Thailand is the major destination country for trafficked Cambodians, but there are no reliable numbers on how many persons are trafficked to Thailand each year. According to a 2008 UN Inter-Agency Project against Human Trafficking (UNIAP) report, approximately 130,000 individuals are deported back to Cambodia from Thailand each year. However, UNIAP reported that the number of deportees who are victims of trafficking is unknown because it is believed that Thai or Cambodian authorities do not or cannot identify those deportees who are TIP victims. Cambodian men are trafficked to work in the Thai fish, construction and agricultural industries; women and young girls are trafficked for factory and domestic work, and are also subject to sexual exploitation in the Thai commercial sex industry.

The 2008 UNIAP report detailed a July-August 2008 study of Cambodian deportees from Thailand at the Poipet immigration police checkpoint on the Cambodia-Thai border. Of 50 deportees interviewed, a total of 56 instances of labor migration were recorded (some of the deportees migrated more than once; 32 instances male, 24 instances female), with 13 of those instances indicating strong evidence of human trafficking (11 men and two women), and 16 additional

instances of some evidence of exploitation (nine men and seven women).

There continued to be incidents of Cambodian men and women trafficked to Malaysia via Thailand for commercial sexual exploitation, agricultural labor, and domestic work. The Kamrieng border crossing point in Battambang (connecting to Trat in Thailand) was one trafficking/smuggling route. In previous years, there were scattered reports of individuals trafficked to farther destinations such as India and off the coast of Somalia. There was also a report confirmed by an official of the Embassy of the Philippines in Phnom Penh of a Filipino woman trafficked to Sihanoukville for the sex trade in 2007. The Philippine Embassy reportedly assisted the victim to return to her home country.

In 2004, UNICEF indicated the beginnings of a change in TIP patterns, with evidence suggesting a rising number (if not yet significant compared to the main routes) of trafficking cases to Hong Kong and Taiwan. In 2007, there were reports of Cambodian women who went to Taiwan through marriage but are now left in legal limbo for political and diplomatic reasons. It is reported that there are about 5,000 Cambodians in Taiwan, some of whom were trafficked for sexual exploitation. During the reporting period, there were no new reported cases of women trafficked to Hong Kong and Taiwan.

In 2008, the NGO Cambodian Women's Crisis Center (CWCC) assisted 204 victims of trafficking, 13 of whom were victims of cross border trafficking. The NGO AFESIP assisted 149 victims of trafficking among the 302 residents admitted to its shelters during the year. According to statistics from the High Level Working Group of the National Task Force, between April and December 2008, the Ministry of Interior (MOI) made arrests in 21 human trafficking cases involving 82 victims, of which nine were cases of sex trafficking and 12 of labor trafficking. The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSAVY) reported that from April to December 2008, police referred to MOSAVY 407 victims of sex trafficking. In addition, MOSAVY received nine victims of sex trafficking and 71 victims of labor trafficking returned from Thailand. An additional 486 victims of labor trafficking were referred to MOSAVY after being returned from Vietnam. During 2008,

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IOM identified 160 victims of trafficking, out of 683 Cambodian returnees from Vietnam, and 112 victims of trafficking, mostly children, out of 132,795 Cambodian returnees from Thailand.

The NGO International Justice Mission (IJM) observed that the sale of underage girls in brothels, bars, and restaurants in 2008 remained at a level similar to 2007. The NGO reported that their investigations indicated the majority of activity was in brothels, disco clubs, and karaoke establishments. IJM believed there was an increase in the number of large entertainment establishments in Phnom Penh and Siem Reap, with reports of some establishments having as many as 100 or more adult and underage females, and where rooms are typically made available for sex. IJM reported that its investigations indicate that a high percentage of the minors in these establishments were Vietnamese who came to Phnom Penh and Siem Reap from the Cambodian provinces or from Vietnam.

IJM reported its observation that the virginity trade continues to be problematic in Siem Reap, and that foreign (mostly Asian) and Cambodian men paid USD 800 to 4,000 to have sex with virgins. This is a change from 2007 when one NGO reported that Asian men paid USD 1,000 or less for three days with a virgin.

The victim services NGO Cambodian Women's Crisis Center (CWCC) reported intake of more TIP cases in 2008 compared to 2007 but added that it does not view the increase in numbers as a reflection of a growing trafficking problem, but rather of intensified law enforcement efforts. Victim services NGO Agir Pour Les Femmes en Situation Precaire (AFESIP) reported that it provided services to 149 trafficking victims, and that MOSAVY referred other victims to the NGO during the course of the year who chose not to stay with AFESIP for services. Those referrals are not reflected in AFESIP's statistics, and AFESIP was unable to report whether they have

noticed a trend in the number of TIP victims from 2007 to 2008.

The International Organization for Migration (IOM) reported a decrease in trafficking victims returned to Cambodia from Vietnam -- 160 returnees in 2008 compared to 224 in 2007. IOM could not confirm the reasons for the decrease, but stated that some possibilities were: more effective interventions with persons vulnerable to TIP, better cooperation between Cambodian and Vietnamese officials to prevent trafficking from occurring, and economic development in border provinces. IOM stated their belief that the statistics do not accurately portray the size of the TIP problem. IOM stated that programs such as information campaigns, vocational skills trainings, and micro credit schemes in border town areas have provided effective alternatives to labor migration and have helped to educate those who migrate legally about trafficking schemes.

World Hope International reported more referrals by law enforcement to its assessment center during the year. In 2008, the center received 84 victims of trafficking, compared to 59 in 2007, and believed the increase was a result of Cambodia's new Law on Suppression of Human Trafficking and Sexual Exploitation being enforced by police as a tool to combat human trafficking.

1C. (SBU) What kind of conditions are the victims trafficked into?

The lack of statistical data impedes attempts to characterize changes in the trafficking climate from one year to the next. As long as the economies of Cambodia's neighbors continue to expand, Cambodian labor remains cheap and jobs inside the country are scarce, Cambodians will continue to migrate out for labor purposes. As in previous years, CWCC stated that an increasing number of victims repatriated from Malaysia who seek support from CWCC report that they ended up in exploitative labor conditions after migrating to Malaysia as domestic workers with the assistance of legal labor migration companies. The Cambodian government has licensed 17 such labor export companies; however, there is inadequate monitoring of migration and work conditions, and a lack of protection for domestic workers in Malaysia. The Ministry of Women's Affairs (MOWA) continues to have serious concerns about the protection of Cambodian women working in domestic positions in Malaysia and the potential for abuse or coercion and trafficking into the sex industry. The MOWA has advocated the establishment of a follow-up mechanism to ensure the well-being of domestic workers after arrival in Malaysia.

In previous years, IOM stated that Cambodian laborers returning from various locations such as India, Malaysia, and off the coast of Somalia have reported that they were trafficked for labor. In 2008, IOM helped facilitate the return of 17 Cambodian men who had been

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trafficked from Cambodia onto fishing boats in Thailand, sailed to Malaysia, and then escaped into Malaysia. However, IOM stated there were no confirmed cases of trafficking to India or off the coast of Somalia in 2008.

1D. (SBU) Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g., women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

There are no studies that suggest minority groups are more susceptible to trafficking. Some provinces, by virtue of their proximity to neighboring Thailand or Vietnam, are source areas for trafficking victims. In a 2004 survey, PACT-Cambodia found a correlation between residential origins of trafficking victims and communities along major highways.

PRM funded an IOM study released in August 2007 on patterns of trafficking among commercially sexually exploited women and girls in Siem Reap, Koh Kong and Sihanoukville provinces -- provinces identified as having a high prevalence of trafficking. The research showed that groups that appear to be persistently vulnerable to trafficking include: women and girls who have severed relations with their family households, often due to physical and sexual abuse; women and girls who previously worked as child domestic workers; and

ethnic Vietnamese women and girls who became domestic trafficking victims through recruitment or coercion into the virginity trade.

Children are not prevented from crossing the Thai border with strangers or alone, and Cambodians can buy a border pass to cross the border without needing to show any identification. Poipet/Aranyaprathet is the primary Cambodia-Thai border post for transit. Children mainly from Banteay Meanchey and Battambang provinces in Cambodia's northwestern region continue to be trafficked to Thailand to beg, sell candy or flowers, and shine shoes. IOM and UNICEF have contact with nearly all children repatriated from Thailand at the Poipet border crossing, and select out the trafficking victims for special care through IOM's Poipet Transit Center, which is staffed jointly by IOM and MOSAVY staff. According to UNICEF, in 2008 there were 7,193 children deported from Thailand to Cambodia and among them, there were 53 unaccompanied children. According to IOM, Thai authorities repatriated 58 women and children who were identified as TIP victims and deported another 54 alleged TIP victims, out of 132,795 returnees in 2008.

Social Services of Cambodia and HAGAR released findings of an exploratory study funded by World Vision Cambodia in January 2008 about the sexual abuse and exploitation of males in Cambodia. Researchers met with 40 adult and underage males who were known to be victims of abuse. Key findings from the exploratory study included: Cambodian male victims were sexually abused by Cambodian and foreign adults in a variety of settings; male victims were also abused by other children, adolescents and in some cases women; and, abuse risk factors included exposure to poverty, separation and/or divorce or death of a parent and/or siblings, domestic violence, and drug and alcohol abuse in the home.

According to IOM's 2008 statistics, children in two districts of Svay Rieng Province continue to be trafficked to Ho Chi Minh City in Vietnam for begging. Cambodian traffickers contract with the children's parents, with monthly payments ranging from 100,000 riel (USD 25) to 150,000 riel (USD 37) per child. IOM explained that Cambodian facilitators take three to four children at a time across the porous border to Vietnam. A single trafficker may coordinate several facilitators. Border controls are minimal and the children cross to Vietnam freely, according to IOM. Cambodian traffickers personally supervise the children in Vietnam, and reportedly have few problems with police raids. In a 2007 report, IOM stated that in some cases Cambodian children migrate together with parents or relatives who are seasonally migrating as whole families, or one or two children with parents, to beg in Vietnam.

In 2009, to address concerns surrounding trafficking of infants for foreign adoption and to bring Cambodia into compliance with the Hague Convention on Inter-Country Adoption, the RGC continued the process of drafting new adoption legislation and the new law is currently with the Council of Ministers for review. A moratorium since 2002 on international adoption by some western countries, including the United States, has largely curbed reports of this type of trafficking, though receiving countries still processing adoptions in Cambodia continue to report irregularities even with a very small caseload. The Cambodian government is working with international organizations and other donors to establish transparent, ethical adoption processes in the future to diminish

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the trafficking of infants for profit.

1E. (SBU) Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

From April 2008 to November 2008, the RGC banned marriages of foreigners to Cambodians, thereby halting migration to South Korea through marriage. The marriage suspension was a reaction to a 2007

IOM report of an increase in migration to South Korea through marriage to South Korean men, and that some Cambodians migrating to South Korea for marriage were vulnerable to trafficking. IOM noted that the potential for trafficking there was slim, as the Korean government strictly enforces the law and protections for women. According to IOM, in 2004 there were 74 South Korean visas issued to women who married South Korean men; in 2007, there were more than 1,000. On February 19, 2008, Prime Minister Hun Sen ordered the Ministry of Commerce to annul business licenses for companies seeking husbands for Cambodian women, calling the business a form of human trafficking. In November 2008, the Prime Minister signed a sub-decree drafted by the MOI and Ministry of Foreign Affairs (MFA) containing guidelines for international marriages that should have lifted the suspension. However, as of February 2009, marriage applications of Cambodians to foreigners were not being processed by the RGC. Some observers believed that the measures of the sub-decree will be hard for Cambodian authorities to verify and enforce, and would not be effective in preventing TIP through marriages to persons in other countries. However, the suspension of marriages to foreigners was widely believed to be a sincere effort of the RGC to prevent human trafficking to other countries.

Research conducted by Friends International and UNIAP in 2007 on child begging issues in Thailand found that the majority of Cambodian child beggars traveled to Bangkok with their mothers or other family members and that most beggars had a degree of control over their day-to-day lives. In contrast to previous assumptions, the research found that the majority of Cambodian child beggars in Bangkok did not experience abusive practices or trafficking. The issue is more related to migration of vulnerable migrants rather than trafficking. However, the research found that almost 20 percent of children questioned came with a facilitator or non-blood relative. Most of the children who came with their mother said they were happy with the situation, while half of those who came with a facilitator said they were unhappy. Due to poverty, lack of jobs, family problems and unequal access to educational opportunities, women and children, especially those in rural areas where 80 percent of the population resides, are the segment of society most vulnerable to sex trafficking. These victims are particularly susceptible to the lure of employment, often via the intercession of relatives, friends, or unknown persons, to pay off personal or family debts incurred due to factors such as drought or the serious illness of a family member.

NGOs have identified certain risk factors that increase the probability of a girl being lured into prostitution: an older sister, relative, or friend is already involved in the commercial sex industry; the parents of the girl have divorced or separated; one or both of the parents are dead and the girl is living with relatives or friends; one or both parents are drug addicts, alcoholics, or gamblers; the family is desperately poor; the girl has little or no education; and the girl is of the appropriate age for the sex industry. NGOs report that domestic violence and rape are often precursors to trafficking, as girls who are raped are culturally stigmatized and left with little hope of having a normal life.

Traffickers of Cambodian women and children for sex can be known or distant acquaintances who promise work in Phnom Penh, or relatives, boyfriends or husbands who take the women or underage girls and sell them to a brothel. A 2007 IOM study of trafficking recruitment and facilitating networks found a dynamic system that is ever-evolving in order to evade counter-trafficking efforts by the communities, local authorities and NGO partners. TIP networks are most prevalent in areas which have a high level of labor migration and high level of impunity for traffickers. Networks were found to take advantage of family dysfunction, gender-based norms that support violence against women, and social

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shame to perpetuate trafficking practices.

The notorious Svay Pak brothel area reportedly continues to be in operation, despite an extended 2004 crackdown by anti-TIP police and IJM. Underage girls are available on site in Svay Pak establishments upon demand, but generally underage girls do not stay

on site in Svay Pak. Current trends show that underage girls from Svay Pak are delivered to various brothels and establishments during the evening, or are available on order. IJM reported that attempts to raid the area in 2007 proved to be difficult, if not impossible, due to the hidden nature of the crime and the nearly impenetrable layout of the area which makes it easy for traffickers to escape quickly. In 2008, IJM reported that police did not follow through with the NGO's investigations into and tip-offs on Svay Pak establishments. A study conducted in 2005 by AIDTouS and the Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) to re-evaluate the impact on children of closing Svay Pak found that the closure did not stop the commercial sexual exploitation of children. The 2005 study found that many of these children were scattered to other brothels in Phnom Penh, Siem Reap and Sihanoukville, and may have been living in worse conditions in underground operations.

A 2007 PRM-funded IOM study reported that traffickers are sometimes parents who sell their child into debt bondage to serve as domestic help with other families, or into brothels. The study reports that there are cases in which family members, friends, or boyfriends reportedly coerced or forced victims into sex and labor trafficking. Other observers have reported that individual recruiters coerce rural and urban victims, claiming to work with labor agencies or claiming to have connections to good jobs in cities or in other countries (usually Thailand or Malaysia).

The same 2007 IOM study stated that commercial sale of virginity is one of the major routes into commercial sexual exploitation with 38 percent of women interviewed having had their virginity sold (voluntarily or involuntarily). The same study showed that nine percent of women interviewed reported their virginity trade client was of Western origin, and the remaining reported having Asian clients including Cambodian, Japanese, Korean, Taiwanese, Thai, Filipino, and Chinese persons.

When Cambodians are moved abroad, they often are brought through the porous borders with Thailand or Vietnam without documentation. Some women are reportedly trafficked to Thailand for sex by boat from the Cambodian province of Koh Kong. In cases of human trafficking to Malaysia, women are reportedly entering the country with valid Cambodian passports, with allegations of complicity on the part of Thai and Malay border and immigration officials. Attempts to lobby Malaysia to grant legal rights to foreign domestic workers have been unsuccessful, although the Ministry of Women's Affairs continues discussions with its counterpart in Malaysia on this issue.

Vietnamese women and children, many in debt bondage, were trafficked from Kieng Yang, Can Tho, Dong Thap and other provinces in Vietnam to Cambodia for commercial sex work primarily in Phnom Penh. Information from AFESIP, CWCC, and UNICEF indicates that Vietnamese women and girls also are trafficked through Cambodia by organized Vietnamese criminal gangs to onward destinations in Thailand and Malaysia.

When victims are trafficked out of Cambodia, some NGOs claim that trafficking networks are involved. Vietnamese, Thai and Chinese-Malay criminals are alleged to have regional networks that traffic drugs, guns, women and children to regional markets such as Thailand and Malaysia. A UNIAP representative reported that trafficking networks were involved in some cases, but believed that brokers were responsible for most trafficking cases.

SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

2A. (SBU) Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government openly acknowledges that trafficking is a serious problem in Cambodia. The Prime Minister in March 2006 spoke out against TIP and called for greater government efforts to combat the problem. During a June 2008 joint press conference with the Charge and Deputy Prime Minister (DPM) Sar Kheng, the DPM stated that while the RGC was pleased with the 2008 tier placement, the RGC believed there was still much more to be done to eliminate TIP in Cambodia.

In April 2007, in an effort to coordinate Cambodia anti-TIP programs, government entities, and NGOs, the government established an anti-TIP National Task Force. USAID is providing support to the NTF through technical assistance. The NTF has an oversight mechanism known as the "High Level Working Group," sometimes called the "Leading Task Force." The High Level Working Group (HLWG) is chaired by Deputy Prime Minister and Minister of Interior Sar Kheng who has played a leading role in the government's anti-TIP efforts. The NTF has a structure of five thematic working groups that focus on prevention, protection, prosecution, implementation of MOUs and bilateral agreements, and monitoring activities at the provincial level.

During the reporting period, the NTF completed its establishment of all 24 municipal and provincial anti-TIP working groups led by governors and deputy governors. The working groups were instructed by the HLWG to create provincial action plans, and were generally expected to monitor entertainment and other establishments for TIP cases; inform police of suspected cases; and, regularly report activity to the High Level Working Group of the National Task Force.

The working groups of Siem Reap and Svay Rieng Provinces have served as models for other provinces. The Asia Foundation (TAF), funded by USAID, has worked closely with the model working groups to develop structured, realistic action plans partly based on input from the 2008 provincial dialogues and aligned with Cambodia's draft National Plan of Action. IOM worked closely with the Koh Kong Province working group to help develop a Koh Kong action plan.

2B. (SBU) Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The National Task Force (NTF) against Human Trafficking takes the lead in coordinating anti-trafficking efforts in Cambodia. USAID is providing support to the NTF through technical assistance. DPM Sar Kheng chairs the HLWG that serves as an oversight mechanism for the NTF. Several ministries and agencies in the Cambodian government have responsibility for combating trafficking in persons, and are integrated into the NTF structure including: the Ministry of Interior; Ministry of Women's Affairs; Ministry of Justice; Ministry of Social Affairs, Veterans and Youth Rehabilitations; Ministry of Labor and Vocational Trainings; Ministry of Tourism; Ministry of Education; Ministry of Information; the Ministry of Foreign Affairs and International Cooperation; and the inter-ministerial Cambodian National Council for Children, which has a Sub-Commission on Trafficking and Sexual Exploitation of Children.

2C. (SBU) What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

In the past, efforts in Cambodia to end human trafficking have been impeded by lack of coordination among groups working on the problem. With the March 2007 launch of the government National Task Force, the government is making strides to coordinate the efforts of 11 government ministries, three government agencies, and more than 200 international and local NGOs. The NTF structure includes working groups on prevention, protection, and prosecution, and has recently established provincial working groups which will report local anti-TIP efforts to the NTF.

Nonetheless, the Cambodian government is severely limited in its ability to effectively combat trafficking. In general, Cambodian government institutions remain very weak as a result of 25 years of civil war and genocide. The lack of resources is acute; training and funding for law enforcement and courts are wholly inadequate; corruption is a major problem; and the overall level of human resources -- trained and competent people -- is still greatly affected by the legacy of decades of civil war. Government resources for victim assistance must be augmented by assistance from international organizations and foreign and domestic NGOs. The government has also been slow in defining custody issues pertaining to victims and witnesses taken from brothels, as well as the legal authority of NGOs in the process. In February 2007, the five responsible government ministries signed an agreement with NGOs

providing victims assistance that established guidelines for cooperation on these issues. The NTF is also developing a national minimum standard for victim care to resolve the problem of victim assistance.

Lack of coordination and cooperation between police and courts allowed some traffickers to escape prosecution. While some NGOs reported cooperative relationships with government authorities on

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TIP cases in Phnom Penh, there are complaints regarding police officials at the provincial levels. An NGO director reported that it is relatively easier to target small traffickers, but large-scale operations have been difficult to coordinate; the large number of people involved in the process increased the chances of compromising the operation.

During the reporting period, the Cambodian government has encountered new challenges in its fight against TIP. While the February 2008 passage of Cambodia's Law on the Suppression of Human Trafficking and Sexual Exploitation was hailed as a success, the law created some challenges with police and court officials who received no training on the law before its passage. During the reporting period, lower courts and the Appeals Court applied charges and sentences that appeared inappropriately matched to crimes. One example from the year was a Phnom Penh Municipal Court decision charging Thomas Wayne Rapanos with a misdemeanor charge of indecent acts against a minor despite testimony that money exchanged hands for sex with 12- and 16-year-old female victims. Rapanos was sentenced to two years and six months in prison and ordered to pay USD 1,250 (5,000,000 riels) to the government and USD 750 (3,000,000 riels) compensation to the victim. An Action Pour Les Enfants (APLE) lawyer for the victims believed there was enough evidence for the court to have convicted the perpetrator on felony charges of "Purchase of Child Prostitution," which would have carried a seven- to 15-year prison sentence due to one of the victims being under age 15. Rapanos reportedly filed an appeal for a lighter sentence.

NTF and Ministry of Justice (MOJ) officials recognized the urgent need for training of court and other government officials on the new law. Section 3F below details 2008-2009 RGC training programs.

By April 2008, law enforcement implementation of the Law on the Suppression of Human Trafficking and Sexual Exploitation was in full effect. Also in April, NGOs implementing USG-funded HIV prevention programs reported reductions in contacts with brothel-based prostitutes and increases in the number of street-based prostitutes.

An increase in police crackdowns on brothels -- credited by some to the passage of the new law -- were reported to have resulted in many prostitutes selling sex outside of brothels, on the streets, increasing their vulnerability to violence and HIV infection as condom usage is less likely outside of brothels. Additionally, owners of some establishments such as karaoke bars or beer gardens were reported to be less collaborative with health workers who provide HIV prevention information and condoms, apparently seeking to avoid being seen by police as a place of prostitution.

Also connected to the increased police efforts to crackdown on brothels were reports that some police officers and guards working at Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSAVY) rehabilitation centers abused prostitutes who were rescued during raids. In April, a rights group reported that some prostitutes had been raped, beaten, robbed, extorted, and detained without due process. The reports spurred much criticism and an advocacy group protested at the UN in New York. As NGOs and IOs carried out more in-depth investigations into the allegations of prostitute abuses that reportedly occurred because of raids to implement the new law, it became apparent that the majority of the persons held at MOSAVY detention centers were not prostitutes. Nonetheless, after the negative reports came to light, MOSAVY released detainees and indefinitely closed the detention centers where many of the abuses reportedly occurred. The rescue of adult prostitutes and arrest of pimps and brothel owners is not anti-human trafficking work, per se. However, many of the Cambodian government's challenges combating TIP during this reporting period have been attributed to the passage of the new law which combines

TIP crimes and other crimes such as prostitution, pornography, and child sex abuse. We have included more information on the challenges related to the passage of the new law in section 3A below.

NTF officials were receptive to the critical reports regarding implementation of the new law, and urgently sought solutions. In October 2008, DPM Sar Kheng signed into effect Guidelines on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation in an attempt to address concerns about human rights abuses of prostitutes and other victims rescued during brothel raids; HIV/AIDS prevention efforts being negatively affected by enforcement efforts using the new law; and, police arresting perpetrators on charges that appeared inappropriately matched to the crime. The guidelines are generally considered to be helpful in emphasizing that prostitutes should not be treated as criminals. However, the guidelines did not clarify the difference between

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trafficking victims and prostitutes, nor provide guidance on screening of prostitutes or others rescued from brothels for indications that human trafficking took place. Section 3F below describes training on the law enforcement implementation guidelines and victim screening.

Government sources and NGOs reported that police and court officials investigate TIP cases separately, and the relationship between police and courts was mainly based on instances when police requested search and arrest warrants. Prosecutors and judges rarely called on police responsible for investigating crimes for clarification, follow up information, or to testify during trials.

There was no prohibition against conducting undercover operations in commercial sexual exploitation cases; however, IJM reported that police were afraid of accusations by courts and arrested suspects that they had wrongly investigated cases, and typically refused to conduct undercover operations until they were granted warrants to do so. IJM reported that there have been cases in which court officials threatened to prosecute IJM investigators and police involved in undercover operations. During one operation, an IJM investigator posed as a pedophile seeking to buy sex with minors. Court officials told the investigator that acting as the "buyer" essentially made the investigator and police traffickers.

Observers generally perceived evidence collection to be a weakness of the Cambodian National Police, including the national-level Anti-Human Trafficking and Juvenile Protection Department and anti-TIP units at the provincial level. During several brothel raids involving IJM, when women and girls were taken to police stations for statements, IJM reported that the rescued victims refused to make incriminating statements against the brothel owners. Without victim testimony, police had little evidence to use against the perpetrators. Police evidence collection limitations were widely seen as due to a lack of training, equipment, and funding.

Donor countries have continued to press the government on anti-corruption efforts and passage of an anti-corruption law that is consistent with international standards. The government has missed multiple deadlines for passage and implementation. Donors have also pushed for the establishment of an independent anti-corruption commission. In 2006, the government established an Anti-Corruption Body to combat corruption but it remains largely inactive.

The Supreme Council of Magistracy (SCM) has the power to appoint and remove judges, but does not use this power except in rare situations, and in the past there was evidence that disciplinary actions were often politically motivated. The SCM also does not have investigative resources to respond to allegations of corruption. However, in an important move that sent a signal that corruption will not be tolerated, in August 2007 a government decree removed a judge in the SCM who was also the President of the Appeals Court based on suspicions of corruption. The MOJ rotates judicial personnel every four years in the hope that the movements will lessen opportunities for corruption. In January 2009, SCM imposed

disciplinary actions on three provincial judges for non-TIP related misconduct and transferred 25 provincial and municipal judges and prosecutors as part of routine rotation efforts.

2D. (SBU) To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The MOSAVY has a database to keep track of repatriated victims and the MOI has a database to track police intelligence, investigations, and arrests of sex crime offenders. The MOJ, with assistance from UNICEF, started collecting information in 2007 for a database of court cases involving children. However, only a few courts provided statistics for the MOJ database. In March 2008, the NTF initiated the first phase of a nationwide data collection system that will eventually incorporate statistics from existing databases into one consolidated database.

Starting in August 2007, the NTF produced periodic reports on the government's anti-TIP efforts. The reports focused mainly on anti-TIP prosecution efforts with statistics on arrests and prosecutions. Each provincial working group is expected to submit a bi-weekly report to the NTF; however, few of the provincial working groups have been able to follow through with the regular reporting

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requirement to date.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

3A. (SBU) Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

On February 15, 2008, Cambodia's new law on the Suppression of Human Trafficking and Commercial Sexual Exploitation was promulgated and went into immediate effect. The new anti-TIP law is a comprehensive law containing provisions criminalizing all forms of trafficking, including trafficking through debt bondage.

Many of the Cambodian government's challenges in its fight against TIP during this reporting period may be attributed to the passage of the new law. The law combines TIP crimes and other crimes such as prostitution, pornography, and child sex abuse. Articles on TIP crimes make up a minority of the law's articles; however, the law has been labeled an anti-TIP law (a misnomer), confusing police, court, and other government officials, and members of NGOs and the press, as well. Police increased raids on brothels, ostensibly because of enthusiasm over the new "anti-TIP law." Most of the raids resulted in the arrests of pimps and brothel owners who were charged with prostitution crimes. The police and other government officials apparently wrongly believed that those arrests were part of the government's anti-TIP work.

That the new law went into effect without any prior training of police, court, or other government officials presented obstacles to effectively implementing the law. Police and court officials were accustomed to charging child sex exploitation criminals with debauchery using a general 1996 law. The new law contains articles to prosecute for child prostitution, sexual acts with a minor, and indecent acts with a minor, as well as containing more specific definitions of other TIP crimes than the 1996 law. Untrained judges and prosecutors continued to charge perpetrators with "debauchery"

("indecent acts" under the new law), despite evidence of more heinous -- and most often trafficking -- crimes.

There were also cases of the courts charging TIP perpetrators with definition articles of the law instead of with articles that designate activities as crimes and proscribe penalties; also with penalty articles that did not appear to match the crimes. In September 2008 the Phnom Penh Municipal Court convicted a human trafficking perpetrator with Article 3 "Application of this Law outside the Territory" which states, "This law shall apply to any felonies or misdemeanors committed outside the territory of the Kingdom of Cambodia by a Khmer citizen...." The article defines the scope of the law, it does not designate any activity as illegal and it does not proscribe a penalty. However, the perpetrator received a two-year jail sentence under the article, and the notes from the court indicate that the perpetrator committed a human trafficking crime. Another instance from the Phnom Penh Court in August 2008 depicts a case in which a woman was abducted to be a prostitute. The court initially charged the perpetrator with Article 3 but the judge's conviction was under Article 11 "Unlawful Removal for Cross-Border Transfer," an article that does not appear to be matched to a trafficking in persons crime.

Government officials, especially NTF officials, understood early on the need for training on the new law. Training efforts to date are described in Section 3F of this report. With support from USAID and UNICEF, the Ministry of Justice (MOJ) published 10,000 copies of the law on Suppression of Human Trafficking and Commercial Sexual Exploitation in 2008, and distributed the copies to court, police, and other government officials. UNICEF provided funding for a legal advisor to work with the MOJ to draft a commentary on the new law to be distributed to judges, prosecutors, and other government officials. One goal of the commentary is to provide clarity on which articles of the law are trafficking in persons crimes. The commentary is expected to be

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completed and distributed in mid-2009.

Other relevant laws pertain to the protection of women and children, and the Labor Law, which prohibits debt labor, slavery, and the labor of minors. Cambodia's Labor Law, enacted in 1997, makes child (under age 15) labor illegal, but allows children aged 12-15 to engage in light work provided the work is not hazardous to the child's health or mental and physical development. The work must also not affect regular school attendance or participation in guidance programs or vocational training. However, confusion regarding the issue of parental consent and the lack of specific penalties for child labor have prevented successful prosecutions of child labor in Cambodia. Articles 363 and 368 of the Labor Law set monetary penalties for violating child labor provisions at 31 to 60 times the basic monthly wage.

Articles 172-181 of the Labor Law generally proscribe certain forms of hazardous child labor. Persons 15-18 years old may only work in non-hazardous occupations. Responsibility for determining whether jobs are either "light" or "hazardous" rests with the Labor Advisory Committee (LAC). The Labor Law also prohibits the hiring of someone to pay off debt.

In December 2007 and January 2008, the Ministry of Labor and Vocational Training (MOLVT) signed into force six declarations, one of which defined hazardous work as work that is detrimental to the health and physical development of children. The declaration includes a determination of the types of light work, limits the working hours of children ages 12 to 14 to no more than four hours on school days and seven hours on non-school days, and forbids them to work between the hours of 8:00 p.m. and 6:00 a.m. The other five of the six declarations include: (1) working and living conditions in plantations, (2) working conditions in the garment and foot wear sectors, (3) working conditions in the fishing industry, (4) working and living conditions in brick-making enterprises, and (5) working and living conditions in the salt production industry.

3B. (SBU) Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual

exploitation?

Penalties under the Law on Suppression of Human Trafficking and Sexual Exploitation are comprehensive and vary according to crimes and their severity. According to Article 15 of the Law on Suppression of Human Trafficking and Commercial Sexual Exploitation, trafficking people for sexual or other forms of exploitation is punishable by seven to 15 years in prison. In aggravating circumstances, such as when the victim is a minor, the perpetrator is a public official, or the crime is committed by an organized group, the punishment is 15 to 20 years.

From April to December 2008, the MOI reported arrests in 21 cases of human trafficking, of which nine were on sex trafficking and 12 on labor trafficking. There were 62 victims of trafficking for labor involved in these cases, and 20 victims of sex trafficking. During the same period, police reported that they arrested five foreign pedophiles. Statistics from the Phnom Penh Court showed April to December 2008 convictions of 14 human traffickers, and five foreigners who sexually abused Cambodian children.

3C. (SBU) Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e., jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

According to Article 368 of the Labor Law, employers who employ children less than 18 years of age for "hazardous work," as defined under Articles 173 to 178 of the Labor Law, are liable to a fine of 31-60 days of the base daily wage. For the hiring of someone to pay off debt, the penalty is a fine of 61-90 days of the base daily wage. However, there are no cases of these laws being used to prosecute traffickers of children under the Labor Law, and lawyers have claimed it is not feasible to prosecute traffickers under this

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law.

The new trafficking law provides for criminal punishment for the illegal recruitment of a person using force, or fraudulent or deceptive means. Penalties for unlawful movement of a person for the purpose of exploitation, including for forced labor or services, is seven to 15 years. If the victim is a minor, the punishment is 15 to 20 years.

Labor export companies are licensed by the government to export Cambodian laborers to countries such as Thailand, Malaysia and South Korea. There were reports of these workers falling victim to trafficking due to the exploitative conditions in destination countries, especially Malaysia, and a lack of monitoring and protection in the source country. The labor export companies and the Cambodian Ministry of Labor acknowledge that the recruiting agents often retain workers' passports upon arrival in Thailand and Malaysia to prevent loss. There were no cases of labor agents being held responsible for the exploitation of workers, or being prosecuted in the courts of law. CWCC assisted the return of trafficking victims from Thailand and Malaysia to Cambodia and reported that when victims are willing to file a complaint against labor companies or employers, the NGO challenges the private companies, mostly succeeding in gaining compensation for the victim.

3D. (SBU) What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking... the

government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)."
END NOTE)

Rape is a criminal offense, and punishable by a five to 10 year prison sentence, according to Article 33 of the UNTAC Law. Although Cambodia's penal code provides penalties for rape, convictions are often not rendered due to the weak judicial system. According to the new TIP law, sex trafficking of minors under the age of 18 is punishable by sentences of between 15 to 20 years in prison; and for persons over the age of 18, the penalty is seven to 15 years in prison.

3E. (SBU) Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

From 1996-1999, the Cambodian government arrested 342 offenders of sexual exploitation and trafficking. From 2000-2004, the government's arrest record increased to 1,009 offenders, due to the formation on May 13, 2002 of the Ministry of Interior's Anti-Human Trafficking and Juvenile Protection Department. Since the creation of the national-level Department, the Cambodian National Police established provincial-level anti-TIP units within the police departments of all 23 provinces the capital city.

The MOI Department of Anti-Trafficking and Juvenile Protection reported 21 cases of human trafficking, involving 30 perpetrators, between April and December 2008. Five foreigners were arrested on charges of indecent and sexual acts during the same period.

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It should be noted that the statistics below may overlap, as a consolidated database on trafficking is yet to be available; statistics are only representative of the work of each institution.

The MOJ was unable to provide reliable statistics given its limited resources and means of communication with the provinces. Out of 13 provincial and municipal courts (not including Phnom Penh) that provided data to the MOJ, seven courts reported seven TIP case convictions. Seven other provincial courts reported 40 convictions on charges of "cross-border transfer." With a general lack of court training on how to use the new Law on Suppression of Human Trafficking and Sexual Exploitation, we believe some of these "cross-border transfer" cases could be trafficking cases; however, the MOJ was unable to provide detailed information from the provincial courts and was unable to confirm whether the cases were trafficking, smuggling, or other crimes. The Phnom Penh Municipal Court reported that it convicted 14 trafficking in persons perpetrators, with penalties ranging from two to 20 years. The court convicted four foreign nationals for sexual abuse of children.

AFESIP reported the arrest of one suspect and convictions of 21 traffickers in 2008, with penalties ranging between five and 15 years in jail, and civil compensation of between two and 15 million riel (USD 500 - USD 3,750).

There are no known cases of prosecution of labor recruiters whose companies are involved in labor trafficking. NGOs reported 24 labor cases involving legal migrants to Malaysia ending up in exploitative circumstances, but the companies usually paid compensation to the victims and avoided formal remedies.

Traffickers generally serve the time sentenced. However, during the year there were two reported cases of the prison sentences of foreign pedophiles being suspended - in one of the cases there was reportedly evidence of trafficking. On September 9, the Sihanoukville court convicted French pedophile David Makhout of indecent acts and sentenced him to 18 months in prison. However, the judge allowed for the suspension of 10 months of the perpetrator's sentence. An NGO reported that there was evidence that Makhout "bought" one of his underage victims from her mother, and then sexually abused the victim. The general prosecutor of the Appeals Court immediately filed an appeal of the sentence suspension and Makhout remained in jail. On July 21, a Sihanoukville Court judge suspended a three-year sentence of a convicted pedophile, Nkita Belov, and released him on probation after he spent six months in prison for sexually abusing two underage boys. There was reportedly no evidence of trafficking in the Belov case. The Appeals Court prosecutor was reported to have appealed the case; however, according to Department of Anti-Human Trafficking and Juvenile Protection, Belov left Cambodia on August 5 through the Poipet border into Thailand. Belov's whereabouts are unknown.

3F. (SBU) Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

The NTF, with technical assistance from TAF and funded by USAID, created a draft script for a victim assistance training video that will eventually be distributed to police and other government officials, and to NGOs providing victim assistance services. The video will demonstrate humane treatment of trafficking victims and sex workers after brothel raids including: separating victims and sex workers from arrested suspected perpetrators; providing appropriate and immediate victim counseling services and referrals for further services; informing victims and sex workers about what to expect while at police stations and courts; and, effectively explaining to victims and sex workers why their statements to police and court officials are important. The video will also be used to train police trainers and is expected to be completed in May 2009, with training to begin in Summer 2009. The training program is a direct Cambodian government response to the need for screening of persons rescued during brothel raids for TIP victims, and to reports of human rights abuses associated with implementation of the new law, described in Section 2C of this report.

In December 2008, the MOJ and MOI collaborated to conduct a joint two-day training workshop on Guidelines on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation (detailed in Section 2C of this report). The training was funded and partly organized by UNIAP and IJM. Attendance included: six

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police officers from national-level Department of Anti-Human Trafficking and Juvenile Protection, 24 police officers from provincial Anti-Human Trafficking and Juvenile Protection offices, 21 provincial prosecutors, five staff people of various NGOs working on trafficking issues, and representatives from UNICEF and The Asia Foundation (TAF). In addition to sessions explaining human trafficking articles and sexual exploitation articles of the law, the Director of the police Anti-Human Trafficking and Juvenile Protection Department provided a session on U.S. recommendations for action in Cambodia.

The government's Royal Academy for Judicial Professionals (RAJP),

where judges and prosecutors are trained, is planning to incorporate training on the Law on Suppression of Human Trafficking and Sexual Exploitation as standard coursework into its 2009 syllabi. All student and practicing judges and prosecutors are expected to receive RAJP training on the law in 2009.

During the reporting period, the NTF conducted a workshop at the National Assembly on parliamentarians' and senators' roles in promoting the Law on Suppression of Human Trafficking and Sexual Exploitation. The workshop was hosted by the National Assembly and Senate Commissions on Health, Social Affairs, Veteran, Rehabilitation, Vocational Training, Labor and Women's Affairs.

In late 2008, the MOJ provided training for select judges and prosecutors sponsored by the Asia Regional Trafficking in Persons Project (ARTIP) on the new law, related investigation techniques, and evidence collection. UNIAP provided 2008 funding for MOJ officials to train NGO staff and government officials, including judges, prosecutors, and police officers in Sihanoukville, Siem Reap and Koh Kong provinces on the new law.

The government, in cooperation with national and international organizations and businesses such as IOM, IJM, LEASEC, ARTIP and Microsoft, conducted training for police officers on investigation techniques, surveillance, witness protection, case preparation and management of trafficking cases and cases involving sexual abuse of children. To date, more than 6,000 police officers have attended specialized training courses, workshops and conferences, and meetings on human trafficking and law enforcement. Some of these trainings included instruction on the Law on Suppression of Human Trafficking and Sexual Exploitation.

In 2008, UNICEF provided training courses for police officers on investigation and victim welfare techniques for child rape cases. In the past, UNICEF supported the Cambodian Bar Association to train lawyers of the Legal Aid Department in children's rights and to build their capacity in representing children. The government relies heavily on training assistance from foreign governments, international organizations and NGOs. Cambodian law enforcement officials have participated in training at the International Law Enforcement Academy (ILEA) in Bangkok.

DHS/ICE and the FBI reported participation of approximately 150 Phnom Penh, Siem Reap, and Sihanoukville police and NGO personnel in PROTECT Act investigation training during the reporting period.

3G. (SBU) Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

The government continues to cooperate with U.S. law enforcement officials on trafficking issues and other criminal cases, and also cooperates with other countries. The United States and a number of other countries have laws to prosecute their nationals who travel abroad to sexually exploit children. Since the U.S. PROTECT Act was passed in 2003, the Cambodian government has cooperated with the U.S. in 19 cases, five of which have resulted in PROTECT Act convictions, and two of which have resulted in convictions on charges other than the PROTECT Act. During the reporting period, there were four arrests made by the Cambodian National Police for which DHS/ICE or the FBI are pursuing PROTECT Act charges. As of February 2009, the Cambodian government was assisting the U.S. with additional investigations of suspected American child sex perpetrators in Cambodia.

In October 2004, the Cambodian Minister of Social Affairs signed a memorandum on combating TIP regionally under the Coordinated Mekong Inter-Ministerial Initiative on Trafficking process (COMMIT). This memorandum placed Cambodia on a track to developing a National Action Plan and taking a regional approach to combating TIP. During

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the reporting period, the Cambodian government has proven to be engaged with and dedicated to the COMMIT agenda. The RGC established a COMMIT National Training Program based on regional

training provided in Bangkok. In 2008, Cambodia trainers provided instruction on anti-TIP prevention, protection, prosecution, and policy for 122 government and NGO participants. The Cambodia COMMIT Taskforce endorsed a December 2008 UNIAP study of Cambodian TIP victims returned from Thailand (the study is detailed in Section 1D of this report) with a statement that, "The RGC understands that identifying the issues challenging accurate victim identification is critical to ensuring that trafficking victims are correctly identified and provided with the services and assistance they deserve."

The governments of Cambodia and Thailand signed a Memorandum of Understanding on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking on May 31, 2003. The MOU requires the two governments to cooperate with each other to investigate and uncover domestic and cross-border trafficking of children and women, to conduct repatriation through diplomatic channels, and to promote bilateral cooperation in the judicial procedures against trafficking.

In October 2005, Cambodia and Vietnam signed a similar MOU on trafficking. During the Vietnamese prime minister's March 2006 visit to Cambodia, Vietnamese and Cambodian officials discussed cross-border trafficking cases concerning Cambodian child beggars in Vietnam. During 2008, there were a number of cross border meetings between Vietnam and Cambodia on the implementation and possible improvements to the bilateral MOU.

The Cambodian Police and MOJ cooperate with the Malaysian police on cross-border TIP cases, but the process is still in its infancy. According to the Law Enforcement Against Sexual Exploitation of Children (LEASEC) program, the Cambodian government has made the Malaysian government aware of TIP cases involving Cambodian nationals in Malaysia since early 2002. LEASEC is a joint project of the Cambodian government, UNICEF, IOM, World Vision, Save the Children Norway, and the UN Cambodian Office of the High Commissioner for Human Rights. Cambodia is now negotiating an MOU on anti-trafficking with Malaysia similar to the MOU in place with Vietnam.

Under the ARTIP project, police of ASEAN countries cooperate with each other to exchange information and evidence on trafficking cases, although there is yet to be a case specifically involving Cambodia to date.

3H. (SBU) Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

The governments of Cambodia and Thailand have an extradition treaty which came into force in April 2001. The bilateral treaty with Thailand provides a basis for future cooperation to address trafficking issues. In March 2005, a Cambodian woman arrested in Thailand was sentenced to 85 years by a Thai court for trafficking eight underage Cambodian girls to Thailand for sexual exploitation. The sentence was reduced to 50 years after the woman admitted her guilt. The case was hailed as a breakthrough in bilateral cooperation between Thailand and Cambodia that led to successful prosecution of a Cambodian trafficker. The Cambodian government continues to cooperate with foreign governments to expel persons charged with pedophilia for acts committed in Cambodia so that they can be prosecuted in their countries of citizenship.

Despite the lack of a bilateral extradition treaty, Cambodia has cooperated to deport into U.S. custody numerous Americans accused of being child sex offenders.

3I. (SBU) Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

The Cambodian government has a clear policy against human trafficking. Senior government officials have spoken on a number of occasions about a zero-tolerance policy toward human trafficking and officials involved in trafficking. Because corruption is pervasive

in Cambodia, it is widely believed that some individual Cambodian officials -- including police and judicial officials -- are involved

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in various aspects of human trafficking, but firm evidence leading to the prosecution of RGC officials is difficult to obtain.

3J. (SBU) If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

Senior government officials have often stated that official corruption that aids or abets trafficking or other crimes will not be tolerated.

An investigation into the Chhay Hour II brothel case resulted in the President of the Appeals Court, Ly Vouch Leang, being removed from that position and from her position as a member of the Supreme Council of Magistracy for trafficking-related corruption in 2007. Three judges and one deputy prosecutor of the Appeals Court also received official letters of reprimand as a result of the same investigation. RGC officials reported that the investigations of these officials are ongoing. The MOI Anti-Human Trafficking and Juvenile Protection Department Director reported that since his transfer to the department in 2007, he has administratively transferred three police officers. During the reporting period, the Director ensured that a Siem Reap police officer was demoted for having leaked raid operation information to a brothel owner. In 2007, the Director administratively transferred two officers who were convicted and sentenced to seven years in prison by the Phnom Penh Municipal Court in 2006 for trafficking-related corruption. The officers appealed, effectively stalling the judicial process on their cases. The Anti-TIP Department Director stated that he had the two officers removed to inactive positions within the MOI while their case is under appeal.

In 2006, the RGC prosecuted several police officials for trafficking-related corruption charges. Colonel Touch Ngim, former Deputy Director of the Anti-Human Trafficking and Juvenile Protection Department, and two other officials under his supervision were disciplined for taking money from karaoke owners in raided parlors in Kampong Speu province. In August 2006, the Phnom Penh Municipal Court convicted Touch Ngim to five years in prison; he is currently serving his sentence.

3K. (SBU) Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution in Cambodia has not been legalized, but the activities of prostitutes are not criminalized. The new Law on Suppression of Human Trafficking and Sexual Exploitation punishes the act of prostitution in public as a misdemeanor related to the disruption of public order. According to Article 24, "a person who intentionally solicits another person in public in order to prostitute him/herself shall be punished with one to six days in prison and a fine of 3,000 to 10,000 riel (USD 0.75 to USD 2.5)." However, prostitutes may not be prosecuted for engaging in voluntary sex work. The new law allows for prosecution of persons who exploited others for sex work, such as facilitators, intermediaries, pimps, human traffickers, and brothel owners. The law also stipulates penalties of between two to 20 years in prison, depending on the victim's age, the severity of force used by the pimp, and the relationship between the pimp and the victim.

Punishment for clients of prostituted minors is two to five years in prison if the prostituted person is 15 to 18 years old; and seven to 15 years if the prostituted person is below age 15. Clients of adult prostitution are not specifically addressed in the law. As applied to traffickers and other exploiters of persons for the sex trade, these laws are being enforced. Under Cambodian law, the legal age of consent to sexual activity is 15, which is why penalties for offenses differ depending on the age of the victim.

3L. (SBU) For countries that contribute troops to international

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peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

In 2008, 135 Royal Cambodian Armed Forces deminers and four technical advisors were deployed to Sudan. There is no information that any of the demining mission members engaged in, or facilitated, severe forms of trafficking or exploited victims of such trafficking. However, in May 2008, the NTF provided anti-TIP training for the demining unit before they departed for Sudan. Details of the training are included in Section 5G.

3M. (SBU) If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

Cambodia is identified as a destination point for pedophiles. During the period covered in this report, MOI reported the arrests of seven foreign nationals (four Americans, two French citizens, and one Canadian citizen) for sexually abusing Cambodian children. In 2008, the Cambodian courts reported that they convicted a total of six foreign nationals (one American, one Austrian citizen, one French citizen, one German citizen, and two Russian citizens). Prison sentences ranged from 6 months to 13 years and civil compensation from USD 750 to USD 1,250.

The new Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation has extraterritorial coverage, allowing for the prosecution of Cambodian citizens committing similar crimes in another country, and the prosecution of a foreigner committing a crime involving Cambodian victims in another country. There is no information that Cambodian nationals have traveled to other countries to engage in child sex tourism.

PROTECTION AND ASSISTANCE TO VICTIMS

4A. (SBU) What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

The government has no practical ability to protect witnesses at this time. NGO shelters represent the safest place for witnesses during the trial phase of a case against a trafficker. Police have no practical ability to protect NGOs, victims, or witnesses in high-profile cases. NGOs fill the void by providing shelter and support to victims through vocational training and start-up capital to start businesses. A number of shelters and foster home programs are available for child victims of trafficking.

Despite the existence of some NGO-run shelters, such protection may not be adequate. For example, in one trafficking case in

Sihanoukville, according to reports by several NGOs, after a suspected pedophile and his girlfriend who was a suspected trafficker were released from prison on bail, the girlfriend threatened the families of the victims and demanded the victims be returned to her.

The NTF drafted a National Minimum Standards Guide for Victim Assistance after consultation with NGOs, IOs, and government officials. The goal of the standards is to ensure appropriate support, care, and services for human trafficking victims. The National Minimum Standards are expected to be approved by the RGC and distributed to government agencies and NGOs in late 2009.

4B. (SBU) Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female?

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Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

MOSAVY operates temporary shelters for victims of trafficking, rape and domestic violence in Phnom Penh, but the facility only provides temporary shelter and basic assistance until victims can be placed with an NGO-operated shelter and reintegration program. MOSAVY works closely with AFESIP, IOM, UNICEF, World Vision and a variety of NGO-managed shelters throughout the provinces to assist initial reintegration of victims and follow-up investigations. Foreign victims of trafficking have the same access to victim care facilities as domestic trafficking victims. However, there is a limited number of shelters with the ability to provide proper care for foreign victims due to a lack of foreign language capabilities, and sometimes due to perceptions about language barriers and cultural differences.

When TIP victims were repatriated to Cambodia from Thailand, an IOM-run Transit Center in Poipet staffed with MOSAVY and IOM staff conducted preliminary assessments and assisted in tracing family members and reintegrating victims into their home communities, or placing victims at appropriate NGO shelters to serve their needs. In 2008, MOSAVY identified 101 victims of trafficking from Thailand and placed them at the Transit Center in Poipet.

For children who cannot be reintegrated into their communities, the USG supports IOM and other NGO activities to provide long-term care and reintegration assistance such as vocational training, job placement, and income generation.

Most of the NGO shelters assist victims of all forms of violence, including rape, domestic violence and trafficking. World Hope International manages a short-term assessment center for victims of trafficking, but also accepts rape victims when there is space available. In 2008, the shelter assisted 84 victims of trafficking.

Victims were provided with medical, psychological and legal services.

In December 2007, the Council for Legal and Judicial Reform, with support from USAID, published a 65-page Legal Aid Services directory, a province-by-province, nationwide directory of service providers including information on which have lawyers or staff who offer counseling and referral services, and specialties such as human rights and women and children's issues, including trafficking in persons.

4C. (SBU) Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or

international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

Because of inadequate resources, the Cambodian government relies heavily on bilateral donors and multilateral institutions for approximately 50 percent of its total annual national budget, and has few resources to devote to trafficking victims. The government relies on foreign and domestic NGOs to provide services to victims of trafficking, a situation that will likely persist for some time. The MOSAVY continues to fund Seva Kahpia Komar (SKK) (Child Protection Services), which has primary responsibility for placement of TIP victims with NGOs for additional care and support. On occasion, the RGC also provides in-kind contributions to partnerships with NGOs, such as land, office space and staff support.

4D. (SBU) Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

The government's record in assisting victims of trafficking is reasonably good, in view of its limited resources and lack of insitutional capacity. Foreign victim assistance is usually conducted by an NGO or international organization, or combination of the two.

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IOM has cooperated in training Cambodian government officials from MOSAVY and MOI to repatriate Vietnamese victims. Four Vietnamese victims were repatriated under this process in 2008 to Vietnam, bringing the total number of repatriations to Vietnam to 93 since the initiation of this project in June 1999.

Foreign trafficking victims are provided temporary residence in shelters while awaiting repatriation. A number of NGO shelters offer legal, education, and counseling services.

4E. (SBU) Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

As is the case with victim assistance services such as legal, medical, psychological, and shorter-term shelter services, because of inadequate resources, the Cambodian government relies on foreign and domestic NGOs to provide services to victims of trafficking, a situation that will likely persist for some time.

4F. (SBU) Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

After a raid, law enforcement authorities conduct an initial screening for victims of trafficking before referring them to the provincial and municipal Departments of Social Affairs, where they are again interviewed for victim determination. MOSAVY reported that 505 victims of sex trafficking were referred to them by local police during the reporting period. The municipal and provincial Department of Social Affairs, Veterans and Youth (DOSAVY) generally refer the victims to short- or long-term NGO shelters for further care depending on their needs. According to the MOI, 137 victims of trafficking were rescued during the reporting period.

4G. (SBU) What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

In Phnom Penh, the government-funded SKK receives TIP victims and refers them to appropriate NGOs. The police often referred victims directly to NGOs, but SKK's role has been recently reinforced as the primary clearinghouse for victims. Since 2005, World Hope International has operated a short-term assessment center in Phnom Penh for referral of TIP victims to longer-term care facilities to augment the services provided by SKK. Since its establishment in June 2005, the center has assisted 227 trafficking victims.

The Healthcare Center for Children (HCC) reported that its shelter in Koh Kong provided services to 143 victims of labor trafficking and 13 victims of sex trafficking in 2008. Victims were referred to HCC by other NGOs.

Through an IOM project on repatriation and reintegration of victims, provincial and municipal DOSAVY officials and IOM staff screen and refer victims repatriated from Thailand to appropriate NGOs. For returnees from Vietnam, the project identifies victims of trafficking and conducts family tracing searches to help victims locate and reunite with their families. Through this IOM program, 160 Cambodian victims of trafficking from Vietnam and 54 from Thailand were identified in 2008.

The NTF is currently developing a national minimum standard for victim assistance and a victim assistance manual in order to better, and more systematically, provide assistance to victims from the point of rescue all the way through to reintegration.

4H. (SBU) Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

Law enforcement authorities conduct an initial screening for victims

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of trafficking before referring them to the provincial and municipal Departments of Social Affairs, where they will again be interviewed for victim determination. MOSAVY reported 505 victims of sex trafficking were referred to them by local police during the reporting period.

Prostitution is not legalized in Cambodia. The new Law on the Suppression of Human Trafficking and Sexual Exploitation criminalizes the act of pimping, but does not punish prostitutes.

4I. (SBU) Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

When trafficking victims are identified, the rights of those victims are respected in practice, and victims are not treated as criminals. Victims of trafficking in persons crimes are not detained, jailed, fined, or deported.

4J. (SBU) Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

The anti-TIP police and prosecutors have become more effective at gaining witness testimony, but credible fears of retaliation from traffickers still pose major impediments to witness testimony. Victims may file civil suits and seek legal action against traffickers, and a number of NGOs in the legal, human rights, and social services areas, including the Cambodian Defenders Project

(CDP), encourage victims to do so; the NGOs provide or refer victims to legal services. However, Cambodia's weak and frequently corrupt legal system and lengthy legal process has discouraged victims from seeking legal redress. NGOs reported that a majority of victims would prefer an out-of-court settlement as the fast way to obtain monetary compensation. If the court process is successful, the victim is expected to wait until a perpetrator finishes a jail sentence before obtaining compensation. The Law on Suppression of Human Trafficking and Sexual Exploitation allows a victim to claim restitution for damage done by the trafficking perpetrator.

4K. (SBU) Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

As described in greater detail in Section 3F, the NTF, with technical assistance from TAF and funded by USAID, is creating a victim assistance training video and related program that will be distributed in mid-2009 to police and other government officials, and to NGOs providing victim assistance services. The training program is a direct Cambodian government response to the need for screening for TIP victims among persons rescued during police operations, and to reports of human rights abuses associated with implementation of the new law, described in Section 2C of this report.

UNICEF provided technical assistance to the Anti-Human Trafficking and Juvenile Protection police to improve investigation capacity and to train officers on the rights of victims while victims are in police custody.

The LEASEC project has a training component sensitizing police officials to the special needs surrounding the trafficking and sexual exploitation of children, including developing procedures and training police in investigating cases of sexual exploitation and trafficking in children, and court procedures.

In terms of social services, IOM continued to provide technical assistance to build the capacity of government officials in victim assistance. For example, one IOM-funded project helps the

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provincial Svay Rieng Department of Social Affairs provide services to vulnerable families so that their children are not trafficked to Vietnam to participate in child-begging.

UNICEF continued to work closely with the Anti-Trafficking and Reintegration Office (ATRO) of MOSAVY to improve victim services. UNICEF also supported nationwide social work training for MOSAVY national-, provincial- and district-level staff. Building on an inter-ministerial MOU on victim assistance, UNICEF in 2009 will assist ATRO to conduct joint monitoring of shelters, together with NGO partners. In cooperation with UNICEF Thailand, support has been provided to enhance MOSAVY's cooperation with Thai authorities on the repatriation of vulnerable migrants.

Embassies and consulates in foreign countries do not receive training or sensitization related to trafficking and victim assistance. However, former National Task Force Chair You Ay in late 2009 assumed her new position as Cambodian Ambassador to Thailand, a destination country for many Cambodian migrants and trafficking victims. Cambodian NGOs working with Cambodian trafficking victims in Malaysia voice frustration over many RGC officials' indifference toward trafficked victims, as well as their lack of cooperation. However, there are some Cambodian officials who are willing to cooperate with the NGOs and take a more proactive approach to helping Cambodian victims outside the country.

CWCC reported assisting the repatriation of 6 victims of trafficking

from Malaysia in 2008, most with the assistance of the Cambodian embassy. The NGO reported cooperation from the embassy staff in assisting the repatriation of these victims. The embassy is limited in its ability to assist the victims financially, but would help contacting the NGOs and arranging necessary documents to be repatriated.

4L. (SBU) Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

In this area, the government relies heavily on international organizations, foreign and domestic NGOs, and other countries to provide medical aid and shelter to its repatriated nationals who are the victims of trafficking. MOSAVY is mandated by the Cambodian government to provide care and protection to the most vulnerable population in the country, especially women and children, but in practice lacks the resources to do so without international or NGO assistance.

4M. (SBU) Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

An estimated 90 NGOs work predominantly on trafficking issues, and of those, roughly 40 NGOs provide some form of service to trafficking victims. The services include shelter (which usually includes food, sleeping accommodations, basic health care, counseling, literacy, and sometimes vocational training), legal assistance, drop-in centers, and re-integration assistance. Cambodian government cooperation with these NGOs is good.

PREVENTION

5A. (SBU) Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g., "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

In September 2008, Cambodia's most popular television station, CTN, broadcast an anti-TIP documentary created by the NTF with USAID-funded technical assistance from TAF. The documentary included footage from five anti-TIP provincial dialogues that occurred earlier in the year; information about the Law on Suppression of Human Trafficking and Sexual Exploitation; messages that the selling or buying of one's own children is illegal; interviews with persons who have been trafficked (facial images were blurred to protect identities) informing viewers of ways in which perpetrators deceive victims; information about how viewers can protect themselves from becoming a victim; and, ways in which local authorities can be

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helpful regarding anti-TIP.

From June to September 2008, the NTF worked with the international NGO Equal Access to create and air a series of 30 radio programs with anti-TIP messages. The program was jointly funded by TAF (with financial support from USAID) and IOM. The radio programs included information about the NTF and its activities at the national and provincial levels; safe migration; and, the content of the Law on Suppression of Human Trafficking and Sexual Exploitation. Equal Access shows are broadcast on nine radio FM stations covering approximately 85 percent of Cambodia's territory and off the coast of Thailand where there are Cambodian nationals working on fishing boats. In addition, MOWA staff received training from Equal Access to conduct Friday call-in radio shows in two provinces on the border with Thailand and in Sihanoukville. MOWA officials encourage listeners to call in with questions related to trafficking in persons, and provide information about how listeners can avoid becoming victims.

During the rating period, the RGC, in partnership with ILO-IPEC, World Vision, Friends International, and ChildSafe, conducted a "Child Safe Tourism" campaign that teaches trainees to identify and protect potential victims of child sex predators. Training was conducted in Phnom Penh, Sihanoukville, and Siem Reap with 103 government and NGO participants. Child Safe Tourism workshops provided training to 1,675 government officials, travel agencies, entertainment establishments, and university students.

In March 2008 the NTF launched a nationwide anti-trafficking campaign using positive messages incorporating Khmer values and cultural traditions to persuade Cambodians to take action against human trafficking. The NTF recruited American pop singer Robbin Thompson to record an uplifting anti-trafficking song in Khmer as part of the national campaign. The song was incorporated into an anti-TIP public service announcement that was televised nationally, and into a karaoke video that was distributed to a number of karaoke parlors. The campaign emphasized trafficking as a national priority and launched a national dialogue on trafficking via public forums in five provinces across Cambodia. The forums also served to inform communities of the new anti-TIP law, forms of trafficking, new trafficking trends based on NTF data, and the key message that government authorities and communities must work together to prevent trafficking. Public forums provided feedback and recommendations for the development of provincial action plans against trafficking. Clips of the public service announcement and karaoke video produced for the campaign are available on www.YouTube.com.

The MOSAVY continued to work closely with UNICEF and local NGOs to set up community-based networks aimed at conducting early intervention programs in Prey Veng and Svay Rieng provinces. Community volunteers are recruited to help identify children at risk and bring their cases to the commune level for local protection. More difficult cases are forwarded to the district level.

The Ministry of Tourism (MOT), in collaboration with World Vision, continued to produce pamphlets and advertisements for tourist brochures and maps that warn tourists of the penalties for engaging in child sex. The MOT also provided workshops to hospitality industry owners and staff on how to identify and intervene in cases of trafficking or sexual exploitation of children. The MOT continued to support the ChildSafe Program which builds a network of people to protect children at risk of trafficking and sexual abuse in the main tourist centers of Phnom Penh, Sihanoukville, and Siem Reap.

In January and February 2009, three of Cambodia's national television stations aired 30-minute CWCC-led roundtable discussions on the impact of migration within Cambodia, and on girls' rights to education. The roundtables included representatives from the MOI, MOWA, Ministry of Education, and Ministry of Labor and Vocational Training. UNICEF also funded television spots educating the public about the danger of trafficking and associated penalties. The Women's Media Center produced and broadcast a television show to raise awareness about trafficking in persons and rape.

5B. (SBU) Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

The Cambodian government's ability to monitor land borders with Vietnam, Laos and Thailand, as well as its coastline, continues to be marginal. Because of its limited resources, the government does not have the ability to screen for potential trafficking along the

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borders.

In February 2008, the Ministry of Labor and Vocational Training (MOLVT) launched the Labor Migration Information System (LMIS) to record the numbers of migrant workers departing Cambodia. According to the MOLVT, eight companies provided migration statistics for the system, reporting 2,116 labor migrants to Thailand in 2008. IOM funded the creation of LMIS in 2007.

The U.S. and Australian governments have helped the Cambodian government set up computerized immigration systems in its national airports in Phnom Penh and Siem Reap as well as the overland border crossings of Poipet and Koh Kong. The British government funded a border security project which provided training to Cambodian immigration authorities.

5C. (SBU) Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

In April 2007, the government launched the NTF to coordinate 11 government ministries, three government agencies, and more than 200 international and local anti-TIP NGOs. Deputy Prime Minister and Minister of Interior Sar Kheng has played a leading role in the government structure through his chairing of the NTF oversight mechanism called the "High Level Working Group" (HLWG).

The NTF has taken an innovative approach to synchronize anti-trafficking services, raise awareness through media campaigns, and foster government-NGO cooperation to end trafficking. The NTF is divided into five thematic working groups that focus on preventing human trafficking, protecting at-risk groups, prosecuting traffickers, supervising the implementation of MOUs and bilateral agreements, and monitoring activities at the provincial level. The working groups are chaired by government ministers with elected NGO representatives serving as vice chairs.

As stated in Section 2A above, during the reporting period, the NTF completed its establishment of all 24 municipal and provincial anti-TIP working groups led by governors and deputy governors (these administrative areas were changed in late 2008 to 23 provinces and one capital city). The working groups were instructed by the HLWG to create provincial action plans, and were generally expected to monitor entertainment and other establishments for TIP cases; inform police of suspected cases; and, regularly report activity to the HLWG. The working groups of Siem Reap and Svay Rieng Provinces have served as models for other provinces. TAF, funded by USAID, has worked closely with the model working groups to develop structured, realistic action plans partly based on input from the 2008 provincial dialogues and aligned with Cambodia's draft National Plan of Action. IOM worked closely with the Koh Kong Province working group to help develop a Koh Kong action plan.

As part of the UN's Interagency Project on Trafficking in Women and Children in the Mekong Sub-Region (Cambodia, China, Laos, Burma, Thailand, and Vietnam), the Ministry of Women's Affairs chairs the project's Coordination Committee in Cambodia.

In 2006, the government established an Anti-Corruption Body in lieu of a public corruption task force but it remains largely inactive.

5D. (SBU) Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

The Cambodian government, led by the Cambodian National Council for Children (CNCC), drafted a second five-year National Plan of Action. The draft plan, meant to cover the period 2006-2010, follows the National Plan developed in 1999. The plan was initially intended to cover only children's issues, and was updated in 2008 to include trafficking in persons goals. The new plan will harmonize Cambodia's ongoing anti-TIP activities with the responsibilities Cambodia assumed under the Coordinated Mekong Inter-Ministerial Initiative on Trafficking (COMMIT) MOU of October 2004. The new plan was developed and finalized in 2006, with input from NGOs and stakeholders, but with the revisions to include trafficking in persons, it is still at the Council of Ministers for final review. Responsibilities over the new plan have now been transferred to the National Task Force to supervise its implementation. The National Plan of Action was not yet officially approved at the end of the

reporting period; however, many of the activities in the plan have already been carried out at the national and local level.

Background: The Cambodian government in 1999 established an inter-ministerial body known as the Cambodian National Council for Children (CNCC) to address child labor and other related issues; in July 1999, the CNCC worked with international and national organizations to develop the first national five-year Plan against Trafficking and Sexual Exploitation of Children (2000-2004), which delineated the responsibilities of nineteen ministries and provincial governments.

As described in detail in Section 5C above, provincial anti-TIP working groups were tasked by the NTF to develop provincial-level action plans. Siem Reap and Svay Rieng have the most advanced action plans to date that have served as models for other provinces.

In October 2005, the Cambodian government, represented by Minister of Women's Affairs Ing Kantha Phavi, signed a Memorandum of Understanding with Vietnam to eliminate trafficking in women and children and assist victims of trafficking.

5E. (SBU) What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

The government is limited in its resources to fund programs aimed at reducing the demand for commercial sex acts. NGOs such as CWCC and the Women's Media Center have produced television spots and drama aimed at educating men not to engage in commercial sex acts. The shows continued to be televised during the rating period. The government has been supportive of these programs.

5F. (SBU) What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

There are no reports of Cambodian nationals participating in child sex tourism in other countries.

5G. (SBU) Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts (Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Cambodia, Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Egypt, El Salvador, Ethiopia, Fiji, France, Gambia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kenya, Korea (South), Malawi, Malaysia, Mali, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Russia, Rwanda, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Yemen, Zambia, and Zimbabwe): What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking? If posts do not provide an answer to this question, the Department may consider including a statement in the country assessment to the effect that "An assessment regarding Country X's efforts to ensure that its troops deployed abroad for international peacekeeping missions do not engage in or facilitate trafficking or exploit trafficking victims was unavailable for this reporting period."

On May 30, 2008, the NTF provided an anti-TIP training session to 115 Royal Cambodian Armed Forces troops at the Cambodia Training Mine/UXO Clearance Center who were preparing to deploy to Sudan on a one-year de-mining mission. De-mining troops were the only troops that Cambodia sent on a peacekeeping or similar mission abroad during the reporting period. The NTF designated a TAF Cambodian national program officer to conduct the training which covered topics such as definitions of various types of TIP, an overview of Cambodia's anti-TIP and sexual exploitation law, and information about the RGC's commitment to combating TIP.

Anti-TIP Hero

Seila Samleang began as an investigator with Action Pour Les Enfants (APLE) Cambodia in 2005, and became the Cambodia office's first Cambodian national Country Director in 2007. Since his assumption of the director position, Seila has effectively used the press to help pressure the government to pay closer attention to TIP court

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cases. When courts have convicted child sex abusers on charges that seem inappropriately matched with the crime, Seila provides assessments to media outlets, government officials, NGOs, and the international community in Phnom Penh regarding the inconsistencies of court decisions. His efforts have informed MOJ and NTF officials about how courts are using a new, complicated Law on Suppression of Human Trafficking and Sexual Exploitation, so that the MOJ and the Royal Academy of Judicial Professionals can better target training of judges and prosecutors to properly use the law. Under Seila's leadership, APLE has rescued and protected hundreds of children from child sexual exploitation and abuse. APLE Cambodia's mission is to reduce the incidence of child sexual exploitation and associated human trafficking crimes in Cambodia. The organization assists the Cambodian National Police with investigations and raids to increase the number of successful prosecutions, convictions and serious sentences of sex predators. The organization also seeks to: increase the level of access to legal protection for victims; reduce the effects of trauma caused by pedophiles; and, improve current conditions of impunity and legal accountability. Since APLE was established in Cambodia in 2003, 187 victims have been rescued, and 82 perpetrators arrested and sent to court to face trial.

Best Practices

17. Cambodia's anti-TIP National Task Force: In April 2007, the RGC took the lead in combating trafficking launching a National Task Force (NTF) to coordinate 11 government ministries, three government agencies, and more than 200 international and local anti-TIP NGOs. The NTF has taken an innovative approach to synchronize anti-trafficking services, raise awareness through media campaigns, and foster government-NGO cooperation to end trafficking. Deputy Prime Minister and Minister of Interior Sar Kheng has also played a leading role in anti-TIP efforts at the highest levels of the government. DPM Sar Kheng serves as Chair of the NTF oversight mechanism, the "High Level Working Group" (HLWG). The NTF is divided into five thematic working groups that focus on preventing human trafficking, protecting at-risk groups, prosecuting traffickers, supervising the implementation of MOUs and bilateral agreements, and monitoring activities at the provincial level. The working groups are chaired by government ministers with elected NGO representatives serving as vice chairs. Working groups and smaller, targeted cluster groups address priority areas, and have already resulted in important achievements, such as:

-- 2008: Creation of provincial level working groups in all 24 of Cambodia's provinces and municipalities. Provincial working groups are expected to report to the HLWG Level Working Group, and to enact provincial-level action plans. Viable action plans have been drafted for at least two provinces, and serve as model action plans for all provinces.

-- March 2008: The NTF's launch of a nationwide anti-trafficking campaign using positive messages incorporating Khmer values and cultural traditions to persuade Cambodians to take action against human trafficking. The NTF recruited American pop singer Robbin Thompson to record an uplifting anti-trafficking song (in Khmer) as part of the national campaign. The campaign emphasized trafficking as a national priority and launched a national dialogue on trafficking with public forums in five provinces across Cambodia. The forums also served to inform communities of the new anti-TIP law, forms of trafficking, new trafficking trends based on NTF data, and the key message that government authorities and communities must work together to prevent trafficking. Public forums provided feedback and recommendations for the development of provincial action plans against trafficking.

-- Ongoing: Preparations for ChildSafe practices training for heads of all provincial task forces. ChildSafe training teaches

trafficking and exploitation prevention measures.

-- Ongoing: Development of a nationwide set of indicators for trafficking data, and standardized methodologies for data collection. Resulting data will assist the government to develop effective anti-TIP policies. The NTF launched its first national data mechanism in June 2008.

-- Ongoing: Research and assessment to set a national standard for victim assistance, including a standardized training program and toolkit for government and NGO service providers. The national standard will ensure that every victim, regardless of the location or agency from which they receive assistance, can expect to receive a tested and effective standard of care.

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Staff Time

18. (SBU) Political Officers Janet Deutsch, Melissa Sweeney, and Gregory Lawless drafted and edited this submission and estimated that the drafting of this report required 40 hours of staff time; separately two LES political assistants spent 80 hours helping draft this report. Embassy POC for this cable is Acting Deputy Chief of Mission Gregory Lawless (T. 855-023-728-126).

Abbreviations

19. (U) Following are abbreviations used in this report:

ADHOC: Association de Defense des Droit de l'Homme (Human Rights Defense Association)
AFESIP: Agir pour les Femmes en Situation Precaire
AIDTouS: Association Internationale pour le Developpement le Tourisme et la Sant
APLE: Action Pour Les Enfants
ARCPPT: Asia Regional Cooperation to Prevent People Trafficking
CDP: Cambodian Defender's Project
CNCC: Cambodian National Council for Children
CNCW: Cambodian National Council for Women
COMMIT: Coordinated Mekong Ministerial Initiative against Trafficking
CWCC: Cambodian Women's Crisis Center
CWDA: Cambodian Women Development Agency
DOSAVY: Department of Social Affairs, Veterans, and Youth Rehabilitation (local jurisdiction of MOSAVY)
IJM: International Justice Mission
ILEA: International Law Enforcement Academy
ILO-IPEC: International Labor Organization-International Program on the Elimination of Child Labor
IOM: International Organization for Migration
LEASEC: Ministry of Interior Law Enforcement Against Sexual Exploitation of Children Project
LSCW: Legal Support for Children and Women
MOI: Ministry of Interior
MOJ: Ministry of Justice
MOSAVY: Ministry of Social Affairs, Veterans, and Youth Rehabilitation
MOLVT: Ministry of Labor and Vocational Training
MOT: Ministry of Tourism
MOWA: Ministry of Women's Affairs
NTF: The National Task Force to Eliminate Trafficking in Persons
RGC: Royal Government of Cambodia
RSJP: Royal School of Judges and Prosecutors
SKK: Seva Kahpia Komar (Service for Protection of Children)
UNOHCHR: United Nations Office of the High Commissioner for Human Rights
UNDP: United Nations Development Program
UNIAP: United Nations Inter-Agency Project Against Trafficking of Women and Children in the Mekong Sub-Region
UNICEF: United Nations Children's Fund
UNTAC: United Nations Transitional Authority in Cambodia
USAID: United States Agency for International Development
WMC: Women's Media Center

RODLEY